

REMARKS

In the November 3, 2004 Office Action, the Examiner objected to the drawings. The Examiner rejected claims 11 and 16 under obviousness double patenting in view of U.S. Patent No. 6,711,390 to the same inventor. The Examiner rejected claims 11-20 as obvious over Cvetkovic (U.S. Patent No. 6,141,536) in view of Miyake (U.S. Patent No. 6,038,434) and Miyake et al. (U.S. Patent No. 5,802,066).

With regard to the drawings, Applicant is submitting herewith a letter to the draftsman and corrected Figures 1 and 3 with labels in the blocks shown in the these figures. Applicant respectfully submits that the corrected drawings are in compliance with the regulations.

Applicant is also filing herewith a terminal disclaimer to overcome the double patenting rejection based on the patent previously issued to Applicant.

The present invention is directed toward a method for selecting a tuning frequency for receiving an RF transmitter within an RF frequency band and finding alternate frequencies which can continue the same program. The system performs a periodic band scanning search to detect transmitters exceeding a predetermined reception quality level which can include signal strength. The tuning data for the detected transmitters exceeding the reception quality level is then stored. A permanency factor indicating the permanency in reception quality for the transmitters exceeding the predetermined reception quality level is calculated and updated during the periodic scanning of the frequencies. Each time a frequency transmitter exceeds the reception quality level, the permanency factor is increased for that frequency up to a certain maximum level. Thus, the permanency factor is determined by the amount of scanning cycles that the reception of the transmitted signal stays in excess of the predetermined level. The system will select a new

transmitter on the basis of the highest permanency factor of the transmitter frequencies which exceed the predetermined level.

In contrast, Cvetkovic describes an RDS radio system which is similar to the prior systems described in the background. The Cvetkovic system selects between two transmitter frequencies which are limited to alternative frequencies which carry the same data or program as the original frequency. (Col. 3, Ins. 28-33). Cvetkovic does not disclose scanning and storing all transmitter bands which exceed a minimal reception quality level. Further Cvetkovic does not disclose the use of a permanency factor which is determined by the number of scan cycles the frequency exceeds the reception quality level. Cvetkovic merely detects signal strength and noise detection signals in order to determine signal quality which is stored. (Col. 4, Ins. 44-46). The signal quality is determined by signal strength or noise detection or both. (Col. 5, Ins. 40-45). Neither of these factors establishes whether the signal is detected over multiple scanning cycles as a criteria of a permanency factor as in the present invention.

As the Examiner has acknowledged, both the Miyake references only disclose storage of frequencies and not the detection or criteria for storing or selecting these signals.

In order to further distinguish the present invention, Applicant has amended claims 11 and 16 to require that the permanency factor is based on the number of scan cycles for which the stored frequency exceeds the minimum threshold level. The combination of Cvetkovic and either of the Miyake references would not anticipate nor render obvious amended claims 1 and 16. The combination of Cvetkovic and the Miyake references would only store noise and signal quality for each frequency and select the frequency on that basis. The combined device would not be able to have a permanency factor which is determined by the number of cycles that the frequency has exceeded the threshold level. Applicant respectfully submits that amended claims

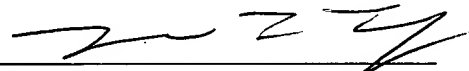
11 and 16 are now allowable. Claims 12-15 depend from claim 11 and claims 17-20 depend from claim 16 and are similarly allowable.

Applicant has reviewed the other references of record and respectfully submits that the claims are allowable over these references.

For the foregoing reasons, Applicant respectfully submits that the pending claims (11-20) are in condition for allowance and that the Examiner issue a notice of allowance in the above-identified application. The Office is authorized to charge all fees, if any, associated with this Amendment to Deposit Account No. 13-0019.

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Respectfully submitted,


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